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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,354	01/23/2002	Stephen Lane	020001-00004	5388
7590	07/01/2004		EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC Suite 400 1050 Connecticut Avenue, N.W. Washington, DC 20036-5339			PREVIL, DANIEL	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
10/052,354	LANE ET AL.	
Examiner	Art Unit	
Daniel Previl	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 23 January 2002.  
2a) This action is **FINAL**.                                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-39 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 20-21, 36-37, are rejected under 35 U.S.C. 102(e) as being anticipated by Wildman et al. (US 6,727,818).

Regarding claim 1, Wildman discloses a method of prompting (col. 3, lines 28-45) comprising the steps of: maintaining a computer database (a processing unit 126) (fig. 4; col. 2, lines 44-52); sensing a person in a first area (when caregiver 110 enters a contamination zone, one of lights blinks to indicate the caregiver has entered the contamination zone) (col. 9, lines 14-16); determining whether the person has cleansed their hands before leaving the area (col. 10, lines 24-34); if it is determined that the person has cleansed their hands sending this information to the database (when caregiver 110 wash hands sensing this

information to the master station 129) (col. 10, lines 53-55); if it is determined that the person has not cleansed their hands before leaving the first area, determining whether the person has entered a second area (caregiver 110 next leaves position (B) without washing hands 107 and enters a second nurse or patient contact zone) (col. 11, lines 60-62); it is determined that the person has entered the second area, determining whether the person has cleansed their hands (hygiene monitoring initiates hand washing logic because caregiver 110 has entered a nurse or patient contact zone) (col. 11, lines 63-66); if it is determined that the person has not entered the second area, determining whether the person has cleansed their hands in a third area after leaving the first area (caregiver 110 next enters bathroom 154b) (col. 12, lines 10-13); if it is determined that the person has cleansed their hands after entering the second or third area, sending the information to the database (a compliance data is recorded at the master station 129) (col. 12, lines 10-27); if it is determined that the person has not cleansed their hands after entering the second area or the third area, generating a warning (col. 9, lines 14-28); if it is determined that the person has not cleansed their hands after the warning is generated, sending the information to the database (col. 8, lines 46-52; col. 9, lines 14-36).

Regarding claim 2, Wildman discloses if it is determined that there is no need for the person to cleanse their hands, no warning is generated and sending this information to the database (when caregiver 110 is complying with hand washing regulations the lights on badge 112 are off) (col. 9, lines 12-13).

Regarding claim 3, Wildman discloses generates the warning signal as at least one of an audio signal or a visual signal (col. 9, lines 30-33).

Regarding claims 20, 36, Wildman discloses a system for promoting hand washing (col. 7, lines 9-26) comprising: a computer system for maintaining a computer database (a processing unit 126) (fig. 4; col. 2, lines 44-52); a first sensor for sensing a person in an area (when caregiver 110 enters a contamination zone, one of lights blinks to indicate the caregiver has entered the contamination zone) (col. 9, lines 14-16); a second sensor for sensing the person's movement to another area (col. 7, lines 46-49); a determining unit for monitoring the first and second sensor output and for determining whether the person has cleansed their hands (col. 10, lines 24-34), a generating unit for generating a warning signal based on the determining unit output (col. 9, lines 14-28); a transmitting unit for transmitting information to the computer system based on the output of the determining unit and the generating unit (col. 9, lines 14-28 and col. 10, lines 52-55).

Regarding claims 21, 37, Wildman discloses generates the warning signal as at least one of an audio signal or a visual signal (col. 9, lines 30-33).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-8, 22-23, 38-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wildman et al. (US 6,727,818) in view of Hinkel (US 5,870,015).

Regarding claims 4, 22, 38, Wildman discloses a method of hand washing (abstract) comprising: detecting a person in a restroom (caregiver 110 next enters bathroom 154b) (col. 12, lines 10-13); if it is determined that the person has not cleansed their hands within the predetermined period of time, generating a warning signal and sending this information to the central database (col. 11, lines 3-36); if it is determined that the person has not cleansed their hands after the warning signal generated, sending this information to the central database (col. 11, lines 3-36); sending the information to a central database (fig. 4; col. 10, lines 52-55); determining whether the person cleanses their hands within a predetermined period of time before leaving the restroom and sending this information to the central database (col. 12, lines 10-27).

Wildman discloses all the limitations above but fails to explicitly discloses the step of monitoring whether the person flushes a toilet; if it is determined that the person has not flushed the toilet; if the person flushes the toilet.

However, Hinkel discloses the step of monitoring whether the person flushes a toilet (col. 3, lines 43-46); if it is determined that the person has not flushed the toilet (issue audible instructions concerning flushing of the toilet) (col. 4, lines 35-36), if the person flushes the toilet (col. 3, lines 43-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hinkel in Wildman. Doing so would monitor accurately the flushing of the toilet for sanitary purposes as taught by Hinkel (col. 1, lines 33-34).

Regarding claims 5, 23, 39, Wildman discloses generates the warning signal as at least one of an audio signal or a visual signal (col. 9, lines 30-33).

Regarding claim 6, the above combination discloses all the limitations in claim 4 and Hinkel further discloses the step of determining whether the toilet has been flushed a subsequent time before the person has left the restroom (col. 3, lines 40-52; col. 4, lines 1-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hinkel in Wildman. Doing so would monitor accurately the flushing of the toilet for sanitary purposes as taught by Hinkel (col. 1, lines 33-34).

Regarding claim 7, Wildman discloses the step of determining whether the person has cleansed their hands an additional time (col. 12, lines 38-50).

Regarding claim 8, Wildman discloses the step of generating a subsequent warning signal if the person has not cleansed their hands an additional time and sending this information to the central database (col. 11, lines 27-36).

6. Claims 9-19, 24-34, 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wildman in view of Hinkel.

Regarding claims 9, 24, 35, Wildman discloses an apparatus for increasing the frequency of hand washing (col. 9, lines 8-28) comprising: a central processor (master station 129) (fig. 1); a receiver 108,118 (fig. 1); a communication link connecting the central processor and the receiver (communication with sensors and badges) (fig. 1); a first sensor located near the opening of a first area for determining motion through the opening (sensor detects the movement of sanitizer through an orifice) (col. 7, lines 46-49); a second sensor located inside the first area for determining movement within the first area (col. 3, lines 1-17); a module located inside the first area for emitting audio and visual signals (col. 3, lines 36-45); a third sensor located at an opening of a second area located adjacent to the first area for determining entry and exit from the second area (col. 13, lines 40-54); a fifth sensor located inside the second area for determining sink usage (col. 3, lines 21-27); a sixth sensor located near the opening of the first area for determining cleanser dispenser usage (col. 4, lines 17-53; col. 8, lines 61-66); wherein the sensors communicate with the receiver via radio waves or hard wires and the module communicates with the central processor via AC or radio waves (col. 6, lines 43-62).

Wildman discloses all the limitations above but fails to explicitly disclose the step of determining toilet usage.

However, Hinkel discloses the step of determining toilet usage (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hinkel in Wildman. Doing so would regularly remind people proper toilet use and hygiene for the sanitary purposes as taught by Hinkel (col. 1, lines 12-20).

Regarding claims 10, 25, Wildman discloses IR beam breaker switch (fig. 2; col. 5, lines 35-62).

Regarding claims 11, 26, Wildman discloses a thermal detector (senses the heat) (col. 5, lines 46-47).

Regarding claims 12, 27, Wildman discloses audio signal is generated by a speaker (col. 9, lines 34-36).

Regarding claims 13, 28, Wildman discloses the visual signal is generated by an illumination device (col. 9, line 33).

Regarding claims 14, 29, the above combination discloses all the limitations in claim 9 but fail to explicitly disclose magnetic contact switches. Since Wildman discloses mechanism suitable for communication identification between badges and sensor (col. 4, lines 9-11) and cleaning sensors 121 can implement switch or button (col. 4, lines 38-40). So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate magnetic contact switches in order to protect accurately the hand washing structure and also reduce cost of manufacture wherein users can save money.

Regarding claims 15, 30, the above combination discloses all the limitations in claim 9 and Hinkel further discloses toilet handle (flush handle 106) (fig. 2).

Regarding claims 16, 31, Wildman discloses a sink water flow switch (fig. 2; col. 3, lines 23-27).

Regarding claims 17, 32, Wildman discloses an aerator (ventilator) and at least one electrode (equipment 115) ( fig. 1; col. 3, lines 66-67).

Regarding claims 18, 33, Wildman discloses sensor is a switch in connection with the cleanser dispenser (col. 4, lines 38-42).

Regarding claims 19, 34, Wildman discloses the cleanser is at least one of liquid soap and anti-septic foam (col. 7, lines 9-31).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maehre (US 6,028,520) discloses an annunciator for a toilet.

Shaw et al. (US 5,812,059) discloses a method and system for improving hand cleanliness.

Gorra (US 5,945,910) discloses a method and apparatus for monitoring and reporting hand washing.

Kobayashi et al. (US 4,986,144) discloses a multi-plane setting type reduction gear drive structure.

Knippscheer (US 5,202,666) discloses a method and apparatus for enhancing hygiene.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2636

DP  
June 22, 2004.

JEFFERY HOFSSASS  
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